

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
June 3, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Supervisor; Kellie Doherty, Personnel Officer; Jeremiah Theys, Great West Engineering; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Dave Kirsch, Ken Vivrette, Bill Gruber, Randi Triem, Sandra Sedey, Brad Roon, Vicki Gruber, Renee Erdmann, Ron Smartnik, Gina Osello, Shawn Hoagland

CALENDAR REVIEW

- 6/5 Red Storm Symposium - Missoula
Watershed meeting - LaHood - 7:00
- 6/9 Canvass elections - 4:00

COMMISSION REPORTS

COUNTY INSURANCE

Commissioner Lythgoe reported that met briefly with Anna Cossel, insurance provider through MACo. She gave an update of what our premiums will be. Our premiums went down on vehicle insurance, and there wasn't much of an increase on the rest of it.

ZONING COMMISSION

Commissioner Lythgoe reported on the zoning commission meeting. They are still going through the definitions in the back of the zoning document. There is some language from some of the definitions that will be brought forward to the next meeting.

ASH GROVE CITIZEN ADVISORY GROUP

Commissioner Lythgoe reported on the first citizen advisory committee for Ash Grove. The committee was formed for the purpose of being a conduit between Ash Grove and the community. The committee will be meeting quarterly. Commissioner Lythgoe stated that all of the mining operations in Montana now have citizen advisory groups.

ELECTED OFFICE/DEPARTMENT HEAD CONCERNS

June 3, 2008 minutes.wpd

Commissioner Lythgoe stated that the Facilities Department is out of lawn mowers. All of them are old, and she needs something that not only cuts grass but will also plow snow in the winter. She has gotten a couple of bids, one from R&R Plumbing in Helena for \$5,954.00 plus \$100 freight, and one from Kamp Implement in Belgrade for \$5,999.00. Kathi's recommendation is to get the one from Belgrade. Price-wise, if you look at the freight and the cost for her to pick it up in Belgrade, it is a wash. Kathi has \$4,800.00 in her budget, and Bonnie feels that she can find the remainder in other budgets. If not, the dealer is willing to take two payments.

CORRESPONDENCE

SOUTH HILLS PARK

Commissioner Lythgoe stated that he thinks that this has been taken care of, noting that he has two e-mails related to the South Hills Park that was inadvertently included in the RID. The homeowner's association was billed for the assessment, and the bill paid. One e-mail quotes from the August 21, 2007 minutes. It was voted to use PILT or money from the revolving fund to repay the assessments. It appears that the Treasurer hasn't been instructed to refund the money to the homeowner's association.

Randi Triem, stated that she is the secretary of the homeowner's association. It appears that the homeowner's association treasurer paid the bill, not knowing that it wasn't supposed to be assessed. Commissioner Weber stated that they will check with the Treasurer to see what happened; the Commission did vote to take this off of the books. Commissioner Lythgoe stated that it makes sense to him that, rather than deal with on an annual basis, that it just be paid in full. Commissioner Notbohm asked where the assessment is to be paid from. Commissioner Weber stated that he doesn't think that a decision has been made. He will do some research.

TAX PROTEST - DESTINY HILLS RMD

Commissioner Weber read a letter of tax protest from William Phillips due to the Destiny Hills road improvement district. No work or maintenance has been done on the north part of Destiny Hills and he has gotten no answers to his enquiries. Commissioner Lythgoe stated that we should probably designate someone to deal with these types of things, and he feels that Joe would be the one to do it, meeting with the improvement board and finding out what their plan is. Commissioner Notbohm stated that he would disagree; Joe has enough to do with our roads, and we shouldn't be adding more. He feels that either a Commissioner should handle it, or the planning department. Commissioner Weber stated that usually, these things are handled by district, and asked Commissioner Notbohm if he would look into it. Commissioner Notbohm stated that he doesn't even know what it amounts to, but he can look into it.

CHANGE ORDER #1 - SADDLE MOUNTAIN RID

Commissioner Weber stated that the Commission has received change order #1 for the Saddle Mountain RID from Great West Engineering. This needs a signature, and amounts to \$2,970.00. A culvert needs to be added to divert water. Commissioner Lythgoe asked if this is in the

contingency. Jason stated that it is. Commissioner Weber signed the documents. For informational purposes, Jason said that Gruber plans to be in Saddle Mountain the second or third week of June.

CONTRACT FOR SERVICES - JUVENILE DETENTION

Commissioner Weber noted that the Commission has received a letter from RYO, with a detention services agreement to be signed. Commissioner Notbohm stated that this is a standard agreement, containing an expected increase. Jefferson County is in pretty good shape this year. Commissioner Weber asked if they have gone mostly to phone meetings. Commissioner Notbohm stated that they have.

LETTER OF THANKS - SOUTH HILLS DRIVE

Commissioner Weber read letter from Dr. Kehr praising road department for maintenance of South Hills Drive over the winter months.

2009 CTEP ALLOCATION

Commissioner Lythgoe read a letter from MDT outlining Jefferson County's CTEP allocation and requesting designation of administrator for the county. Jefferson County has been allocated \$49,741 for 2008 and currently has a total of \$147,944.00. Commissioner Lythgoe was designated as county administrator.

TSEP DRAWDOWN REQUEST

Commissioner Weber stated drawdown request forms for TSEP have been received which need signatures. The documents were signed.

CONCERNS OF MONTANA CITY VFD

Commissioner Weber read a letter from Montana City VFD outlining pressing issues in the district, asking for the Commission to become involved in the resolution of these issues. Commissioner Lythgoe stated that he asked Harold to check into the water storage area, and it seems to him that the other issues are also Harold's issues, as well as Matt. Commissioner Notbohm stated that it is his opinion that the water tanks are the property of the Montana City Fire Department, so if they have a problem with the water tanks, they should take care of them. Commissioner Lythgoe stated that there is nothing to take care of. They don't have to pull the tanks, but it would be nice to get the ugly fill pipe pulled out.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL AND VARIANCE REQUEST – 5x8 MINOR

SUBDIVISION

Harold Stepper, County Planner, presented his staff report on this 5-lot minor subdivision located in the Montana City area. The parcel contains 25 acres, which is proposed to be divided into five 5-acres lots. Harold presented three road design variance requests and recommended that they be approved. Joe Carter, Road Supervisor, stated that he would recommend that the crown of the approach grade be 6% rather than 3% to keep water from running down the road. Commissioner Weber asked if this is something that needs to be addressed in the variance request, or if it can be dealt with in the engineering report. Harold stated that it is a minor change.

Commissioner Lythgoe moved to grant the variance request to road designs for the 5x8 Minor subdivision. Commissioner Notbohm seconded, and stated that it should be noted in the document the change to the crown halfway between Martinez Gulch and the curve. The Commissioners added variance #4 *"The crown to be 6% for a distance equal to one-half the distance between Martinez Gulch and the switchback."* to the document. The motion carried.

Harold stated that the developer has contacted the Montana City Volunteer Fire District concerning the subdivision, and has agreed to cash-in-lieu for water storage for fire protection for the subdivision. Harold further stated that Martinez Gulch Road, from the intersection with South Hills Road, will be upgraded to County Standards. Harold recommended that preliminary plat approval be granted.

Ken Vivrette stated that his particular issue is Martinez Gulch Road from the intersection with South Hills to the subdivision. He stated that bringing this up to county standards is probably at best an impossible task. The centerline of the road is the beginning of the mountain that heads up the hill. The power lines run up that. This is only a 30-foot wide road with private property owners on one side. He doesn't mind improving Martinez Gulch Road, but he doesn't think that it can physically be brought up to county standards. Since this started, they have created a road maintenance agreement with the neighbors. He would like to delete this requirement, but he does want to work with Harold and Joe to come with some type of solution. Commissioner Lythgoe posed a question to Joe and Harold. He asked that if they had this conversation, why is the requirement in the document. Harold stated that the conversation happened about 20 minutes prior to the meeting. Commissioner Weber asked if there is time crunch that would prevent Mr. Vivrette from developing suitable language and coming back before the Commission in a couple weeks. Ken stated that he has no problem with this. He would like to work with Joe and Harold on this to find a workable solution.

Ken Vivrette stated that he has been talking with the Volunteer Fire Department and they have agreed to place some culverts. He also said that Joe's suggestion on the crown makes a lot of sense. Commissioner Weber said that he feels that this needs more discussion, and it seems that Ken does too. It may be better to put this off until after these discussions have been held. Commissioner Weber asked Harold to have these discussions with Joe and Ken and then get this back before the Commission.

PRELIMINARY PLAT APPROVAL – BLACK EAGLE MINOR

Harold presented his staff report on the 3-lot minor subdivision located in the Montana City area. The parcel contains 10 acres to be split into three lots ranging in size from 1 acre to 7 acres. The

parcel straddles the Jefferson County/Lewis and Clark County line. Since the .48 acre lies within the boundaries of the low density residential zoning district, which requires a 5-acre minimum lot size, the developer requested and was granted a variance. The subdivision will utilize the .48 acre for two driveways and a drain field. The subdivision will have joint review by Jefferson County and Lewis and Clark County, since the majority of the property lies within Lewis and Clark County. All roads within the subdivision will be built to Jefferson County road standards.

Harold stated that there is currently a RSID bond on the parcel, which must be paid in full at the time of filing the final plat. Harold said that there was a condition of approval added by the planning board which states "*the .48 acres which lies in Jefferson County will never be annexed into the City of Helena*". Harold recommended that preliminary plat approval be granted.

Commissioner Weber asked about driveways. Harold said that there will be two – one that accesses the existing home and another that will be used by the other two parcels. He said that Joe has reviewed the plans. Commissioner Notbohm asked what portion is in Jefferson County. Harold stated less than a half-acre, .48 acre. Commissioner Notbohm asked how we can decide on something happening in Lewis and Clark County. Harold answered that the Lewis and Clark County Commission made their decision on the portion of the subdivision that lies within Lewis and Clark County that morning. Commissioner Weber asked if Lewis and Clark County conditioned the subdivision the same as we did. Harold stated that when we are done, we will submit our conditions and they will be combined. Commissioner Weber stated that he doesn't think that we can condition a subdivision with a futuristic condition against it as is stated in condition 16. Commissioner Lythgoe stated that he feels that condition of approval 16 is a slap in the face. We are trying to cooperate with the City of Helena on this annexation issue. He doesn't feel that it is necessary.

Commissioner Weber moved to take condition of approval 16 out of the document. He stated that the Commission appreciates the planning board's efforts and thoughts, but this condition should be removed. Commissioner Notbohm stated that we do need to work with Lewis & Clark County, but until the time that we are able to work with Lewis & Clark County on this, we should take the recommendation of the planning board and it should stay in the document. It can always be removed at a later time. Commissioner Lythgoe seconded the motion. Commissioner Weber called for further discussion. Commissioner Notbohm stated that this is kind of a tricky situation, as we still haven't set the bases between the two counties. He would recommend that we have our attorney look at it. He doesn't want to see something pass through that will open the door to something that we don't want to be a part of. Commissioner Lythgoe stated that he can say that the County Attorney would be opposed to the language. The motion carried with Commissioner Lythgoe and Commissioner Weber voting aye and Commissioner Notbohm voting nay.

Commissioner Lythgoe moved to grant preliminary plat approval to the Black Eagle Minor subdivision. Commissioner Weber seconded. The motion carried with Commissioner Lythgoe and Commissioner Weber voting aye and Commissioner Notbohm voting nay.

REQUEST FOR EXTENSION – VISTAS MINOR SUBDIVISION

Mike Hoffman, County Planner, presented a request for a time extension for the Vistas Minor Subdivision, also known as the Babin Minor Subdivision. The developer's representative has submitted a written request for a one-year extension. Mike stated that this is more of a technical requirement. They plan to final plat this in two weeks, and they have no intention to bond this. The only thing remaining is two stop signs for the subdivision. The developer's time expires next week. Commissioner Notbohm asked how long of an extension they are requesting. Mike stated that they are requesting one year, which is what the planning office is recommending. Commissioner Lythgoe moved to grant a one-year extension to the Vistas Minor Subdivision. Commissioner Notbohm seconded. The motion carried.

FINAL PLAT APPROVAL – JEFFERSON ACRES MAJOR SUBDIVISION

Mike presented his staff report on this 25-lot major subdivision located south of Whitehall. The parcel contains 73.79 acres, proposed to be divided into 25 lots ranging in size from 2.216 to 4.115 acres. Parkland dedication is required, and will be provided through a combination of 0.585 acre for common area and a cash-in-lieu payment of \$1,560.78. The developer had requested a one-year time extension, and on May 20th, was granted a six-month extension set to expire November 20th, 2008. The developer has also requested a subdivision improvements agreement be entered into for the purpose of bonding the remaining improvements for the proposal. The improvements agreement was also approved by the Commission on May 20th. Mike recommended that final plat approval be granted.

Commissioner Notbohm asked for clarification that the final plat requirements will be met by November. Mike stated that the Commission has allowed a six-month subdivision improvement agreement. The Commission could decide to cash the bond at that time, or grant an extension.

Commissioner Lythgoe moved to grant final plat approval to the Jefferson Acres Major subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

OPEN AND AWARD BIDS FOR BIG DIPPER DRIVE IMPROVEMENTS

Three bids were presented as follows:

Bidder	Addendum #1 Acknowledged	Bid Amount	Bid Bond Included
Bullock Contracting	yes	\$45,992.00	10%
Gruber Excavating	yes	\$71,239.00	10%
Helena Sand & Gravel	yes	\$69,969.00	10%

Commissioner Weber stated that the bids will be reviewed for completeness by the Engineer and the bid will be awarded at the next meeting.

DISCUSS AND DECIDE ON POSITION TO TAKE REGARDING HR 2421, CLEAN WATER RESTORATION ACT AND SUBMISSION OF COMMENTS

Commissioner Weber stated that two weeks ago, he brought forth a letter from Stillwater County regarding changes to the Clean Water Restoration Act. He read the letter from Stillwater County, outlining their objections to the changes. The core language change that has sparked the most controversy is removal of the word “navigatable”. Commissioner Lythgoe stated that he would agree with the Commissioners in Stillwater County, and thinks that we should draft a response of our own. He feels that it is important that things stay as they are; it is bad enough as it is. Commissioner Weber moved to write a response to Congress, basically mirroring what Stillwater County has said. Commissioner Lythgoe seconded. The motion carried.

DISCUSS AND DECIDE ON LIST OF PEOPLE TO INVITE TO SERVE ON JEFFERSON COUNTY RAC

Commissioner Weber stated that this has been discussed several times, and has caused some confusion. This would be a group to help the Commission with our internal planning, rather than forming a RAC under the Forest Service or BLM. This would not involve the use of Title II or Title III monies. The thought process is that Jefferson County should have plans and statements of purpose that we can use when we develop our comments for state and federal agencies, especially as it relates to any resource in Jefferson County, such as mining, water, hiking, etc.

Commissioner Notbohm stated that it would be somewhat of a duplication of what we have with JLDC. Commissioner Weber stated that the JLDC doesn't focus on resources, but on economic development. The reason that he put this on the agenda is to develop a list of people to invite. Some suggestions would be Ash Grove, the mines, Marks Lumber, Marks-Miller, wilderness-outback type of organizations, off-road riders, etc. Commissioner Lythgoe stated that Commissioner Weber has come up with a pretty good list already. Commissioner Weber asked if they have a problem with him developing a list and sending out invitations. Neither did.

DISCUSS MEETING WITH ARCHITECT REGARDING POSSIBLE EXPANSION OF FORMER WAGNER PROPERTY

Commissioner Notbohm asked about the scheduled date to move. Commissioner Lythgoe stated that in talking to Carl yesterday, he feels that it would take at least 60 days. Commissioner Notbohm stated that he was talking to John in Facilities the previous day, and he would like some lead time to get the building cleaned up and ready. Commissioner Notbohm further noted that he has no desire to move to that building, so if the move happens before his term is completed, he will have to find other office space. He also feels that it needs to be checked for ADA requirements before the move is made. Commissioner Notbohm said that he also has problems with the fact of the age of the building. He feels that it should be checked for mold, as there has been water under the building in the past. Commissioner Weber stated that they will be

having a meeting next Thursday at 9:00 a.m., and this can be brought forward. The sidewalks and ADA requirements need to be looked at right away.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER